

REMARKS

The finality of the restriction requirement is noted. Applicants confirm their election of claim group 1, and request that the non-elected claims be maintained in this application, without further action, for possible rejoinder and/or for filing of a divisional application.

Independent claims 1, 15, 17, 23, 24, 26, 29, 44, 46 and 54 all have been amended to clarify the invention. No new matter has been entered.

In the Office Action, claims 1-12, 15-26, 29-31, 44-46 and 54 have been rejected under 35 USC§102(e) as being anticipated by U.S. Patent Publication No. 2002/0053849 to Corcoran. Claims 1-9, 11-14, 17-19, 21-22, 24, 29-30, 44, 46 and 54 have been rejected under 35 USC§103(a) as being unpatentable over EP 0938035 to Hanke et al. Claims 10, 20, and 25 have been rejected as obvious over Hanke et al. in view of DE 19501439 to Deeg et al. And, claims 15, 16, 23, 26, and 31 have been rejected as obvious over Hanke et al. in view of US Patent 6,437,771 to Rosenberg, et al.¹ All of the above rejections are respectfully traversed in view of the foregoing amendments and the following comments.

Considering first the rejection of claims 1-12, 15-26, 29-31, 44-46 and 54, as anticipated by Corcoran, each of the several independent claims included in the above, i.e., claims 1, 17, 24, 29, 44, 46 and 54, require asymmetrically positioned lamination stacks/coils wherein the stacks/coils are on one side of the output shaft without a complimentary stack/coil on the opposite side of the shaft. Corcoran only teaches stack/coil pairs where each stack/coil has a complimentary stack/coil on the opposite side of the output shaft. Corcoran fails to teach

¹ The Action, page 9, cites Rosenberg et al. U.S. Patent 6,437,771; however, Rosenberg et al. U.S. Patent 6,437,771 is not listed of record in this case or any of the PTO forms 892. Correction of the record is requested.

each and every limitation of these independent claims. Thus, these independent claims and the several claims which depend therefrom are patentable over Corcoran.

Turning to the rejection of claims 1-9, 11-14, 17-19, 21, 22, 24, 29, 30, 44, 46 and 54 as obvious from Hanke et al., as noted *supra* independent claims 1, 17, 24, 29, 44, 46, and 54, each require asymmetrically positioned lamination stacks/coils wherein the stacks/coils are on one side of the output shaft without a complimentary stack/coil on the opposite side of the shaft. Hanke et al. only teaches stack/coil pairs where each stack/coil has a complimentary stack/coil on the opposite side of the output shaft. Also, independent claims 1, 17, 24, 44, and 54 require an air gap between the rotor and the stator. Hanke et al. fails to teach an air gap between the rotor and the stator. Further, as the output shaft of Hanke et al. appears to pivot based on a ball/socket joint of the rotor and stator, Hanke et al. implicitly teaches away from an air gap between the rotor and the stator. Thus, claims 1, 17, 24, 29, 44, 46 and 54 and the several claims dependent thereon cannot be said to be obvious from Hanke et al.

Turning to the rejection of claims 10, 20 and 25 as obvious from Hanke et al. in view of Deeg et al. and the rejection of claims 15, 16, 23, 26 and 31 as shown from Hanke et al. in view of Rosenberg et al., claims 10, 15, 16, 20, 23, 25, 26 and 31 are all directly or indirectly dependent on claims 1, 17 or 24 as the case may be. The deficiencies of Hanke et al. vis-à-vis claims 1, 17 and 24 are discussed above. Neither Deeg et al. nor Rosenberg et al. supply the missing teachings. Deeg et al. fails to teach asymmetrically arranged lamination stacks/coils. The Deeg et al. stacks are symmetrical. Deeg et al. fails to teach an air gap between the rotor and stator. Deeg et al. appears to operate on a ball/socket arrangement for the rotor and stator. Rosenberg et al. also fails to teach asymmetrically arranged lamination stacks/coils. Rosenberg et al. does not teach stacks/coils. Rosenberg et al. fails to teach an air gap between the rotor

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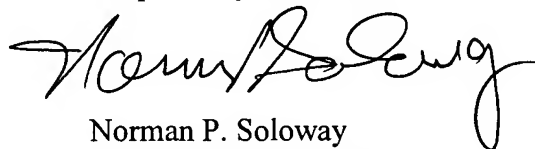
and stator. Rosenberg et al. does not teach a rotor/stator arrangement. Rosenberg et al. primarily is only used for its teaching of a gimbal mechanism. Thus, claims 10, 15, 16, 20, 23, 25, 26 and 31 are allowable for the same reasons above addressed relative to claims 1 and 17, as well as for their own additional limitations.

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and rejections have been traversed, rendered moot and/or accommodated, and that presently pending claims 1-26, 29 – 31, 44 – 46 and 54 are in condition for allowance. Favorable reconsideration and allowance of the present application and the presently pending claims are hereby courteously requested. If in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (603) 668-1400.

Having dealt with all the objections raised by the Examiner, the Application is believed to be in order for allowance. Early and favorable action is respectfully requested.

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account Number 08-1391.

Respectfully submitted,



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